

27<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NUMBER: 21-C-1316

DIVISION: B

MARY GUILLORY

VERSUS

CRETE CARRIER CORPORATION, YAZDANI KOUROSH and ABC INSURANCE  
COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

**PETITION FOR DAMAGES**

NOW INTO COURT, through undersigned counsel, comes MARY GUILLORY, a person of the full age of majority and resident of St. Landry, Louisiana, and for her Petition for Damages, respectfully avers as follows:

I.

04/20/21 11:29:58  
St Landry Parish Clerk of Court

Made Defendants herein are:

1. CRETE CARRIER CORPORATION, a non-Louisiana corporation registered to do and doing business within the State of Louisiana and this honorable court who at all times pertinent hereto was the operator of a 2019 Freightline Cascadia bearing VIN # 1FUJHHDR4KLKE3854 and 2019 Nebraska license plate C18697 hauling a 2017 Wanc trailer bearing 2020 Nebraska license plate 16795C. CRETE CARRIER CORPORATION's DOT number is 073705. At all times pertinent hereto, CRETE CARRIER CORPORATION was the employer of driver KOUROSH YAZDANI and is responsible for said employee under the doctrine of *respondeat superior*.

2. KOUROSH YAZDANI, a person of the full age of majority and resident of the State of Florida who at all times pertinent hereto was the driver of the vehicle(s) identified in ¶I.1 and the employee of defendant CRETE CARRIER CORPORATION.

3. ABC INSURANCE COMPANY, on information and belief a foreign insurance corporation authorized to do and doing business in the State of Louisiana within the jurisdiction of this Honorable Court who at all times pertinent hereto provided liability insurance to Defendants, CRETE CARRIER CORPORATION and KOUROSH YAZDANI for the vehicle bearing VIN # 1FUJHHDR4KLKE3854 and 2019 Nebraska license plate C18697 hauling a 2017 Wanc trailer bearing 2020 Nebraska license plate 16795C, said vehicle which was being driven by

Defendant, KOUROSH YAZDANI on or about May 13, 2020 in St. Landry Parish. ABC INSURANCE COMPANY is made a party defendant herein under Louisiana Direct Action Statute LSA –R.S. 22:1269 et seq.

II.

Defendants, CRETE CARRIER CORPORATION, KOUROSH YAZDANI and ABC INSURANCE COMPANY, are liable jointly severally and *in solido* unto plaintiff, MARY GUILLORY, in a reasonable compensatory sum, plus legal interest, and all costs of these proceedings for the following reasons to wit:

III.

On the afternoon of May 13, 2020 at approximately 1627 hours, Plaintiff MARY GUILLORY was lawfully operating a 2008 Pontiac G6 CT bearing VIN # 1G2ZH57N484194913 and 2020 Louisiana license plate 19280379 owned by her driving westbound on Acadiana Prep Circle in St. Landry Parish, when the above described 2019 Friehtliner and its attached trailer were traveling eastbound on Acadiana Prep Circle suddenly and without warning all or part of said vehicle crossed the center line and sideswiped plaintiff's vehicle on the driver's side.

IV.

Plaintiff, MARY GUILLORY, was in no manner negligent in causing this accident. On information and belief, plaintiff alleges that the sole and proximate cause of the above described accident was the negligence of Defendants, CRETE CARRIER CORPORATION, KOUROSH YAZDANI and ABC INSURANCE COMPANY, in one or more of the following respects, to-wit:

1. By the careless and reckless operation of a motor vehicle in such a manner as to cause it to collide with the vehicle being driven by MARY GUILLORY;
2. By failure to yield;
3. By failing to keep a good and proper lookout;
4. By driving at an improper speed under the prevailing circumstances;
5. By failing to see what he should have seen;
6. By failing to maintain proper control of his vehicle;
7. By failing to act as a reasonable and prudent person under the circumstances;
8. By such other actions or inactions as may be shown at the trial of this matter.

V.

As a result of the above described collision, Plaintiff MARY GUILLORY, sustained severe injuries including but not limited to severe, acute lumbar, cervical and left ankle injuries.

VI.

As a result of the above described collision, Plaintiff, MARY GUILLORY, sustained loss and damage including but not limited to past, present and future mental and physical pain and suffering, past and future medical expenses, past and future income loss and property damage including the damage to the above-described vehicle.

VII.

Upon information and belief, defendant, ABC INSURANCE COMPANY, has failed to tender the amount due within thirty (30) days of presentation of a satisfactory proof of loss by plaintiff. Said failure was arbitrary, capricious and without probable cause. As a result, plaintiff is entitled to recovery from defendant, ABC INSURANCE COMPANY, a penalty of fifty (50) % of their damages or fifty (50) % of the difference between the amount tendered and the amount actually due plus payment of reasonable attorney's fees and costs in accordance with La. R.S. 22:1892.

VIII.

Upon information and belief, defendant, ABC INSURANCE COMPANY, has failed to tender the amount due within sixty (60) days of presentation of a satisfactory proof of loss by plaintiff. Said failure was arbitrary, capricious and without probable cause. As a result, plaintiff is entitled to recovery from defendant, ABC INSURANCE COMPANY, a penalty of two (2) times his damages in accordance with La. R.S. 22:1973.

WHEREFORE, Plaintiff, MARY GUILLORY, prays that Defendants be cited and served with a copy of this Petition for Damages and after legal delays and due proceedings had there be judgment herein against Defendants, CRETE CARRIER CORPORATION, KOUROSH YAZDANI and ABC INSURANCE COMPANY, jointly, severally and *in solido* and in favor of Plaintiff, MARY GUILLORY, in a reasonable compensatory sum plus legal interest, all costs of these proceedings, statutory penalties and for all general and equitable relief to which Plaintiff may be entitled.

Respectfully submitted,

Kristi A. Post

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*Attorneys for Plaintiff, Mary Guillory*

**PLEASE SERVE:**

**CRETE CARRIER CORPORATION**

Through their registered agent for service of process:

National Registered Agents, Inc.

3867 Plaza Tower Drive

Baton Rouge, LA 70816

**KOUROSH YAZDANI**

4908 E. Longboat Blvd.

Tampa, FL 33615

***PLEASE SERVE VIA LOUISIANA LONGARM STATUTE***

**ABC INSURANCE COMPANY**

Through the Hon. Tom Schedler

Louisiana Secretary of State

8585 Archives Ave.

Baton Rouge, LA 70809

***PLEASE WITHHOLD SERVICE UNTIL FURTHER NOTICE***

St. Landry Parish Clerk of Court's Office

Filed

4-20 2021

Cassie Miller

By: Clerk